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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LATWAHN MCELROY,
CDCR #P-71922,

Plaintiff,

v.

ROY COX et al.,

Defendants.

CASE NO. 1:08-CV-1221-JTM (MDD)

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR AN EXTENSION
OF TIME TO FILE
MEMORANDUM OF
CONTENTIONS OF FACT AND
LAW AND GRANTING
DEFENDANTS' REQUEST TO
RESET THE TRIAL DATE**

Doc. Nos. 75 & 76

On May 18, 2011, this court issued a Scheduling Order in the above-entitled case setting a deadline of May 27, 2011 for the filing of Memoranda of Contentions of Fact and Law by the parties and a trial date of August 22, 2011. (Doc. No. 72.) Plaintiff, who is currently incarcerated, has filed a request for an extension of time in which to file his Memorandum, claiming that he did not receive the Scheduling Order until May 20, 2011 as the result of a lockdown in his facility. (Doc. No. 75.) In addition, Plaintiff claims to have suffered an accident recently which has left him without the use of his writing hand. (*Id.*) Defendants have also filed a request to continue the trial, based on counsel's unavailability on the trial date for personal reasons. (Doc. No. 76.)

Good cause having been show, both requests are GRANTED. Plaintiff shall have until **Friday, June 17, 2011** to file his Memorandum of Contentions of Fact and Law pursuant to the requirements

1 of Southern District Local Rule 16.1(f)(2). Trial in this matter will commence on **Tuesday, September**
2 **6, 2011 at 10:00am**. All other dates set in the court's May 18 Scheduling Order shall remain
3 unchanged.

4 **IT IS SO ORDERED.**

5 DATED: June 10, 2011

6 
7 Hon. Jeffrey T. Miller
United States District Judge

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